

Filed for intro on 02/15/95
Senate Bill _____
By _____

House No. HB1170
By Newton

AN ACT to amend Tennessee Code Annotated, Title 29, by adding a new chapter as affects noneconomic damages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, is amended by adding Sections 2 through 5 of this Act as a new, appropriately designated chapter.

SECTION 2. As used in this section:

(1) "Noneconomic damages" means subjective, nonmonetary losses, including but not limited to pain, suffering, emotional distress, humiliation, injury to reputation, loss of care, comfort, companionship and society, loss of consortium, physical impairment, disfigurement, inconvenience, and interference with normal and usual activities apart from gainful employment.

(2) "Nonecononic damages" does not include punitive damages.

SECTION 3. In any civil action seeking damages arising out of bodily injury, including emotional injury or distress, death or property damage of any one person including claims for loss of care, comfort, companionship and society and loss of consortium, the amount awarded for noneconomic damages shall not exceed two hundred fifty thousand dollars (\$250,000).

SECTION 4. The jury shall not be advised of the limitation set forth in this chapter. If the jury awards an amount for noneconomic damages that exceeds the limitation established under Section 3 of this chapter, the court shall reduce the amount to conform to the limitation.

SECTION 5. A verdict shall set forth separately noneconomic damages, if any, as defined in Section 2. Whenever a judgment includes both economic and noneconomic damages, payment by or on behalf of any defendant shall be applied first to noneconomic damages and then to economic damages.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

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